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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the Transnational Radical Party, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 March 1997]

1. When reporting on the human rights situation of prisoners in Tibet, one has to at the same time investigate the violation of the freedom of opinion and expression. Including those Tibetans placed under detention in 1996, there are as many as 1,018 political prisoners, many of whom have already spent years of their life in custody and still today remain behind bars. This is a twofold increase over the number of political prisoners reported in 1994 and a sixfold increase over the number reported in 1991. The majority of these prisoners are monks and many of them are children under the age of 18.

2. Virtually all of these Tibetans were imprisoned, tortured or killed for peacefully exercising their rights to speak freely and to hold opinions, including speaking or demonstrating in support of the Tibetans' right to self-determination or in support of the Dalai Lama, printing or distributing leaflets or posters, or speaking to foreigners.

3. China's denial of freedom of opinion in Tibet has existed since 1949, but it has intensified since 1987 when Tibetans began publicly demonstrating against Chinese occupation. Since April 1996, violations have been further

reinforced under the aegis of the national "Strike hard campaign". Within Tibet, the Chinese authorities have focused on "splittist" individuals, in an attempt to stifle the voices calling for independence and respect for fundamental freedoms. Implementation of sub-campaigns, such as the "Patriotic re-education" campaign in Tibet has led to widespread arrests and expulsions of monks and nuns who have refused to be "re-educated" along Chinese communist lines.

4. In 1996, the Tibetan Centre for Human Rights and Democracy recorded 204 known cases of arrests of Tibetans for exercising their freedom of expression and assembly. Arrests have resulted from peaceful actions, ranging from the possession of a picture of the Dalai Lama or the Tibetan national flag, to saying "Free Tibet" to a non-violent demonstration of just a few minutes' duration.

5. All of the cases represent a whole range of human rights violations - arbitrary arrests, years of denial of due process, torture and ill-treatment, and frequently the arbitrary extension of prison sentences for the exercise of human rights while in detention.

6. Officials have acted with impunity in perpetrating a variety of inhuman torture methods against Tibetan political prisoners. In 1996 eight reports of Tibetans dying as a result of police torture and ill-treatment were reported. Three of these were deaths in custody.

International and national law, and United Nations action

7. Article 19 of the Universal Declaration of Human Rights establishes freedom of opinion and expression as a fundamental human right. Article 19 of the Universal Declaration also protects the right to "receive and impart information ... regardless of frontiers". Article 20 establishes the right to freedom of peaceful assembly. These rights, among others in the Universal Declaration, have become binding as customary international law.

8. Moreover, China has acknowledged to the United Nations that it adheres to the principles set out in the Universal Declaration. Article 35 of China's Constitution also guarantees freedom of expression, publication, demonstration and assembly.

9. Year after year, United Nations human rights bodies have reported on and criticized the People's Republic of China for its range of human rights violations. In 1996, the Committee against Torture, while scrutinizing China's periodic report, concluded that "the special environment which exists in Tibet continues to create conditions that have resulted in alleged maltreatment and even death of persons held in police custody and in prisons". Also the Special Rapporteur on the question of torture reports that many persons detained for political reasons were convicted of offences partly or wholly on the basis of "confessions" that had been obtained through the application of torture during interrogation.

Cases

10. A 28-year-old Tibetan nun, Phuntsog Nyidron, is currently the longest serving known female political prisoner in Tibet. She has been in prison since 14 October 1989, when she peacefully led a demonstration against the Chinese occupation of Tibet which lasted only a few minutes. According to testimonies, Phuntsog was kicked and beaten during the arrest and later given electric shocks, and suspended from the ceiling for at least 15 minutes. Her nine-year sentence was increased by eight years in 1993 when she and other nuns sang pro-independence songs in Drapchi prison.

11. In August 1996, Yudrung, a young Tibetan artist was detained in Gutsa for 58 days and later found in a traumatized condition in a public toilet. Yudrung was arrested in connection with his portraits of the Dalai Lama and the Tibetan National Flag and, after being severely tortured in prison, is presumed to have been released on 27 October, the same day he was found.

12. Kalsang Thutop, a 49-year-old monk, died on 5 July 1996. He was serving an 18-year sentence for his involvement in the 1989 Lhasa demonstrations. The day he died he had been interrogated for two hours in Drapchi prison. When returning from this interrogation he was no longer able to speak. During his burial, clear signs of severe torture were reportedly observed.

Conclusion

13. We appreciate the fact that some members of the Commission on Human Rights have repeatedly taken up the human rights situation in Tibet at its previous sessions. The violations in Tibet have however not decreased. On the contrary, evidence shows a strong increase in human rights violations in the last years. The Transnational Radical Party calls upon all the members of the Commission on Human Rights to increase their efforts to end the critical situation in Tibet. China should be made accountable for its repeated failure to end policies which have deprived the Tibetan people of their human rights and fundamental freedoms. A first step would be for the Commission on Human Rights to adopt a strong resolution on China at this session.